

**WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY**  
**SPECIAL MEETING AND PUBLIC HEARING MINUTES**  
**CITY OF RENTON MOSIER II ANNEXATION (FILE NO. 2195)**  
**JULY 18, 2005**

The following Minutes are a summary of the Special Meetings/Public Hearings for the City of Renton Mosier II Area Annexation (File No. 2195). Complete written transcripts are available from the Boundary Review Board.

**I. CALL TO ORDER**

Judy Tessandore, Chair, convened the meetings of July 18, 2005 at 7:00 P.M.

**II. ROLL CALL**

The following members were present at the Special Meeting and Public Hearing:

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|---------------------|------------------|
| Evangeline Anderson | Angela Brooks    |
| Charles Booth       | Robert Cook      |
| A. J. Culver        | Ethel Hanis      |
| Lynn Guttman        | Claudia Hirschey |
| Roger Loschen       | Michael Marchand |

**III. PUBLIC HEARING**

INTRODUCTION:

Chair Tessandore stated that the purpose of the Special Meeting is to conduct a Public Hearing on the Mosier II Area Annexation, a proposal submitted by the City of Renton to the Boundary Review Board in April 2005. The Boundary Review Board is charged with the task of providing independent review and decision-making with respect to applications for municipal annexation.

Chair Tessandore described the standards for a quasi-judicial public hearing and the scope of the hearing. She explained the process for taking public testimony. Chair Tessandore opened the public hearing.

Chair Tessandore and Lenora Blauman described the proposed annexation as follows:

On April 12, 2005, the City of Renton filed a Notice of Intention for the Mosier II Area Annexation with the Boundary Review Board. City of Renton representatives cited the Washington State Administrative Code (RCW 35.14A) as the basis for authorizing this action. This annexation was proposed under the 60% petition method), pursuant to RCW 35A.14. Renton City Council adopted the petition for annexation in February of 2005.

The Mosier II Area Annexation site consists of a 31-acre area located on the east side of the City of Renton. The southern boundary of the site is generally formed by SE 2<sup>nd</sup> Place/SE 136<sup>th</sup> Street. The northern boundary of the site is generally formed by NE 2<sup>nd</sup> Court (if extended.) The eastern boundary is formed by 144<sup>th</sup> Avenue SE/Jericho Avenue NE and the site is bordered on the west by 142<sup>nd</sup> Avenue SE. Portions of the western boundary of the site and portions of the eastern boundary of the site abut the existing City of Renton.

On May 11, 2005 the City of Renton invoked jurisdiction for the Mosier II Area Annexation requesting the addition of an approximately 34 acre area, defined as the Mosier II Area (Expanded). The City requested that the Board conduct a public hearing to consider the proposed Mosier II Area (Expanded) based upon the following factors:

- The proposed annexation of the Mosier II Area (Expanded) is located within Renton's Potential Annexation Area; and
- The inclusion of Mosier II (Expanded) in the City of Renton would reportedly provide more practical boundaries and logical area for community governance and for provision of services to the community.
- The State Growth Management Act and the King County Comprehensive Plan both establish local jurisdictions as the appropriate units to govern urban areas.

Based upon that invoking of jurisdiction, the Boundary Review Board scheduled a public hearing to review the proposed basic Mosier II Area Annexation and to determine whether to consider the proposed Mosier II Area (Expanded).

Following the conclusion of the public hearing, the Boundary Review Board will deliberate and make a decision with respect to the Mosier II Area Annexation. The Board will consider the state, regional, and local regulations which guide annexations. The Board can approve the Mosier II Annexation as proposed by the City of Renton. The Board can modify the Mosier II Area Annexation to include the Mosier II Area (Expanded) Annexation, as requested by City of Renton. The Board can deny the entire Mosier II Area Annexation.

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PROPONENT PRESENTATION: City of Renton – Donald Erickson, Senior Planner – Community Development & Strategic Planning

At the Special Meeting/Public Hearing of July 18, 2005, Donald Erickson presented a statement concerning the proposed Mosier II Area Annexation (31 acres). Mr. Erickson responded to inquiries by the Boundary Review Board members. Following is a summary of the statement (including responses to inquiries).

The City of Renton proposes the annexation of 31 acres, known as the Mosier II Annexation. This annexation was proposed under the 60% petition method), pursuant to RCW 35A.14. Renton City Council adopted the petition for annexation in December of 2004.

The Mosier II Annexation site is located on the east side of the City of Renton. The southern boundary of the site is generally formed by SE 2<sup>nd</sup> Place/SE 136<sup>th</sup> Street. The northern boundary of the site is generally formed by NE 2<sup>nd</sup> Court. The eastern boundary is formed by 144<sup>th</sup> Avenue SE/Jericho Avenue NE and the site is bordered on the west by 142<sup>nd</sup> Avenue SE. Portions of the western boundary of the site and portions of the eastern boundary are contiguous with the City of Renton.

The unincorporated area is included in the “Annexation Element” of the City of Renton Comprehensive Plan and is located within the Renton Potential Annexation Area. The proposed action is based upon Renton Comprehensive Plan policies addressing annexation, including those provisions which call for inclusion of urban areas within the City for local governance (e.g., LU-37 – LU-38) and provision of services to incorporated areas (e.g., LU-36; LU-41, LU-42).

The Mosier II Area property owners are seeking annexation in order to develop properties under City of Renton regulations and to receive public services from Renton. The City of Renton has planned for growth in this established urban area through the institution of land use regulations and service standards (e.g., utilities, public facilities, infrastructure).

The City is prepared to provide development review to guide ongoing uses and new development on the Mosier II Area properties following annexation. The proposed annexation is exempt from SEPA pursuant to RCW 43.21C.222. However, complete environmental review would be required for new development under SEPA Rules (WAC 197-11). Measures to mitigate development-related impacts (e.g., transportation systems, infrastructure, sewer service, storm water management) would be required in conjunction with that environmental review process.

Presently the Mosier II Area includes approximately 8 single-family residences which were developed under the existing County zoning at R-4 (four dwelling units per gross acre). The City proposes Residential zoning at (R-4) for the general area. However, the Mosier II properties have been vested by King County for development at R-5 (five dwelling units per gross acre) which would permit a maximum of 110 - 124 dwelling units.

Upon annexation, the City would also apply standards for protection for environmentally sensitive areas (e.g., variable topography, stream corridors). Such protections would be based

upon local, regional and state regulations for protection of environmentally sensitive areas. For example, storm water management would be provided in accord with 1998 Surface Water Manual Standards established in accord with State of Washington standards.

The City of Renton can directly provide (or contract for) urban services to the area. For example, the City of Renton would directly provide police services. The City will continue to contract with Fire Protection District No. 25 to provide fire service and emergency service.

The City will directly provide sewer service and storm water management. King County Water District No. 90 will continue to provide water service to the Mosier II Annexation Area.

The City would provide for human services and law and justice services. Library facilities and recreation facilities would be available to the community. Children would attend schools in Renton School District No. 403.

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The City of Renton has proposed the Mosier II Area Annexation in keeping with City of Renton planning policies and King County planning policies that call for effective and efficient local governance of urban areas. Renton officials believe that the basic Mosier II Area Annexation would be consistent with those policies and would address those policies and the state law which guides annexations (Chapter 36.93 RCW).

More specifically, City officials report that the currently proposed Mosier II Area Annexation would be consistent with Objective 1, which calls for the preservation of neighborhoods. This area is linked to east Renton by social fabric (e.g., similar land uses and open spaces, shared sense of community) and by natural/built geographic features (e.g., relatively flat to gentle sloping terrain). This annexation would also be consistent with Objective 3, which calls for creation of logical service areas, and Objectives 4-7, which call for the achievement of reasonable boundaries for a jurisdiction. Local residents have petitioned for annexation in order that all services and land use regulations affecting their area may be efficiently coordinated by a single local government unit. This annexation would also be consistent with Objective 8, which calls for inclusion of urban areas within municipalities.

The City of Renton has conducted fiscal analyses related to the proposed Mosier II Annexation. At present development, City expenditures are estimated at \$10,994 and revenues are estimated at \$9,561. At full development, City expenditures are estimated at \$181,188 and revenues are estimated at \$210,007. Costs are related to state revenues, local property assessments, and city costs. These costs are generally based upon an averaged estimate of per capita use (e.g., police, parks, sewers).

Upon annexation, property owners will assume their share of the City's regular and special levy rates for capital facilities and public services. For example, sewer service to new development would be provided by developer extension. Future capital needs and costs will be examined and funded through the Renton Capital Investment Program.

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Mr. Erickson stated that, while the City of Renton supports the initially proposed Mosier II Area Annexation, the City is seeking modification of Mosier II Area (31 acres) by the addition of 34 acres – defined as Mosier Area II (Expanded). The City's request for expansion of the annexation is based upon the fact that the entire Mosier II Area (Expanded) is identified as Potential Annexation Area within the City's adopted Comprehensive Plan. City of Renton officials believe that the Mosier II Area (Expanded) would better address municipal policies, County policies, and the state laws (e.g., Chapter 36.93 RCW, 36.70A RCW) which call for local governance of urban areas.

Further, City officials would support the annexation of the other, nearby properties that are included in the Renton Comprehensive Plan. More specifically, the City has intended to pursue annexation of Maplewood Elementary School in the near future; however, the City would support the annexation of Maplewood Elementary School at this time. Annexation would be appropriate because the School is located within the City's Potential Annexation Area. Annexation would not alter administration of or services to the school. For example, while local

children would continue to attend the School, the School District would maintain responsibility for establishing boundaries for enrollment in this institution. Similarly, the City presently provides a range of services to Maplewood Elementary School; the City would continue as the service provider following annexation.

Based upon the Renton Comprehensive Plan Potential Annexation Area, the City also has an interest in annexation of residential properties located immediately south of the Mosier II Area (along the SE 136<sup>th</sup> Street corridor between 140<sup>th</sup> Avenue SE and 144<sup>th</sup> Avenue SE) if there is sufficient citizen interest in joining the City of Renton. To date, only a small number of citizens in this area have indicated a preference for annexation to Renton.

#### OPPONENT PRESENTATION:

No jurisdiction came forward to oppose the Mosier II Annexation.

#### KING COUNTY:

King County officials provided written materials for consideration by the Boundary Review Board. County officials were not represented at this public hearing.

#### GENERAL TESTIMONY:

Eight persons testified with respect to the Mosier II Area Annexation. Persons testifying in favor of the annexation, reported their interest in affiliation with the City of Renton to participate in local governance, to develop properties under City standards, to benefit from City tax structure/funding programs, and to receive services from the City.

Persons testifying as to concerns about the annexation addressed the following matters:

- City of Renton's commitment to providing local governance to the Mosier II Area.
- City of Renton plans and standards for growth and development on properties in the Mosier II Area.
- City of Renton's plans and standards for environmental protection (e.g., storm water management systems to prevent intermittent flooding).
- City of Renton's plans and standards for provision of services (e.g., sewer services).

Some persons spoke to an interest in learning more about City governance and service plans in order to determine support for (or opposition to) the annexation. There was citizen testimony that persons owing property and/or residing in the Mosier II Area – and, more particularly, the Mosier II Area (Expanded) – are seeking more specific information about City service programs and service costs in the event that the City were to be permitted to annex the Mosier II Area.

Some persons testified as to the desire for an opportunity to participate in an election in which citizens may clearly communicate views concerning annexation to the City of Renton.

#### REBUTTAL City of Renton – Donald Erickson, Senior Planner – Community Development and Strategic Planning

Mr. Erickson stated that the Mosier II Area Annexation was proposed to the City and to the Boundary Review Board based upon a plan generated by citizens of the community. The citizens chose to seek affiliation with the City of Renton through a petition method of annexation. Citizen interest in joining Renton was reportedly based upon a preference for local governance and services.

More specifically, the City of Renton has conducted several public review processes for the proposed Mosier II Area Annexation including:

- Community information meetings relating to proposals for annexation/changes in governance;
- Community information meetings relating to zoning plans, development regulations, and service plans;
- City Council hearings relating to proposals for annexation/changes in governance;
- City Council hearings relating to proposals for zoning plans, development regulations, and service plans.

Based upon those planning programs, the City of Renton now includes the Mosier II Area in plans for land use management, service provision, environmental protection, and funding.

City officials requested this public hearing before the Boundary Review Board to enable the community to participate in the governance planning process.

Mr. Erickson stated that the City of Renton has established its interest in governing and capacity to serve the surrounding Mosier II Area (Expanded). The City has also established a plan to govern and serve other surrounding properties including private residential properties (SE 136h Street between 140<sup>th</sup> Avenue SE and 144<sup>th</sup> Avenue SE) and public properties (e.g., Maplewood Elementary School, Maplewood Park).

The City of Renton supports annexation of these urban properties in order to serve citizens of the area. Coordinated new development and coordinated services would reportedly be consistent with goals and objectives established for the benefit of the greater community.

#### **IV. DETERMINATION OF THE STATUS OF THE PUBLIC HEARING**

At the completion of public testimony for the Mosier II Annexation, Chair Tessandore instructed the Board with respect to procedures for closure (or continuation) of the public hearing. The Board has the option to continue the hearing to obtain more information or to close the hearing and deliberate for a decision on the proposed action. Chair Tessandore requested a motion to close or to continue the hearing.

A. J. Culver moved and Ethel Hanis seconded a motion that the Boundary Review Board close the public hearing and begin deliberations for the Mosier II Area (31 acre) Annexation. The motion was adopted by unanimous vote.

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Chair Tessandore invited the Board members to begin deliberations to consider annexation of the proposed Mosier II Area Annexation. Board members began consideration of Mosier II Area Annexation by posing inquiries as follows:

- *Query 1:* Is the Board authorized to expand the initially proposed Mosier II Area Annexation to include the now proposed 34 acre Mosier II Area (Expanded) for a total annexation of 65 acres?

*Response:* Special Assistant Attorney General Robert Kaufman confirmed that RCW 36.93.150 authorizes the Boundary Review Board to modify (e.g., expand) Mosier II Area if the Board members determine that such action is consistent with RCW 36.93, RCW 36.70A, the King County Comprehensive Plan, the Renton Comprehensive Plan, and other statutory mandates.

- *Query 2:* Is the Board interested in considering – and authorized to consider – both the requested Mosier II Area (Expanded) Annexation and a further expansion to include surrounding adjacent residential properties and public properties (e.g., Maplewood Elementary School, Maplewood Park) in order to advance state laws (e.g., RCW 36.93.170, RCW 36.93.180) calling for orderly growth, logical boundaries, and efficient service areas?

*Response:* The Board may consider the requested Mosier II Area (Expanded) Annexation and a further expansion to include surrounding adjacent residential properties and public properties (e.g., Maplewood Elementary School, Maplewood Park). However, presently, the Board is authorized to conduct a hearing only on the requested Mosier II Area (Expanded) at 34 acres. That hearing has been duly noticed for July 19, 2005.

Residential property owners and owners of public properties (Maplewood Elementary School, King County Maplewood Park) have been informed of the initially proposed Mosier II Area Annexation and Mosier II Area (Expanded). However, the Board must provide legal notification and post affected properties in accord with 36.93 RCW in order to conduct a hearing on a further expanded Mosier II Area Annexation.

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In the course of discussion concerning the options for annexation of the Mosier II Area into the City of Renton, the Board members generally agreed that:

- Annexation of the Mosier II Area at 31 acres substantially fails to advance the statutory authority of the Boundary Review Board (e.g., RCW 36.93 – the Board's Enabling Act; 36.70A RCW – State Growth Management Act; King County Comprehensive Plan; City of Renton Comprehensive Plan). City of Renton representatives have provided to the Board data and documentation confirming municipal support (and some citizen interest) for annexation, governance, and service of the entire Mosier II Area (Expanded).
- A full hearing of the City of Renton position on the facts and factors relating to the annexation of the Mosier II Area (Expanded) (65 acres) is necessary and appropriate. The facts in this matter are required in order for the Board to determine whether the City of Renton proposal for the Mosier II Area (Expanded) would be consistent with the statutory authority of the Boundary Review Board including RCW 36.93 – the Board's Enabling Act; 36.70A RCW – State Growth Management Act; King County Comprehensive Plan; City of Renton Comprehensive Plan, et al.
- A hearing on the Mosier II Area (Expanded) would enable the Board to consider whether the City is able to govern and serve the entire Mosier II Area (Expanded). The Board would be able to consider the capacity of the County to serve the entire Mosier II Area (Expanded). The Board could, thus, determine the likely intended and unintended consequences of an action to approve, modify, or deny the proposed annexation.
- The Board may also choose to conduct a hearing to determine whether it is appropriate to annex additional properties adjacent to the proposed Mosier II Area (Expanded) including residential properties and public properties (e.g., Maplewood Elementary School, Maplewood Park) to advance the statutory authority of the Boundary Review Board (e.g., RCW 36.93 – the Board's Enabling Act; 36.70A RCW – State Growth Management Act; King County Comprehensive Plan; City of Renton Comprehensive Plan, et al.).

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At the close of discussion, Chair Tessandore called for a motion to establish the direction for future hearings on the proposed Mosier II Area (Expanded) Annexation (34 additional acres/total of 65 acres).

Robert Cook moved and A. J. Culver seconded a motion that the Boundary Review Board conduct a hearing in order to receive and consider testimony relating to the City of Renton request to incorporate the Mosier II Area (Expanded) (File No. 2195).

The Special Meeting/Public Hearing shall commence on July 19, 2005 at the hour of 7:00 P.M. at Renton Technical College. The motion was approved by a vote of 10 in favor and one in opposition (Roger Loschen).

## **V. ADJOURNMENT**

Charles Booth moved and Roger Loschen seconded a motion to adjourn the current session of the Special Meeting/Public Hearing of July 18, 2005. The motion passed by unanimous vote. Chair Tessandore adjourned the meeting at 8:55 P.M.